

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **CHAIRMAN BILL THOMAS**, on January 17, 2003 at 3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Bill Thomas, Chairman (R)
Rep. Arlene Becker, Vice Chairman (D)
Rep. Mark Noennig, Vice Chairman (R)
Rep. Steven Gallus (D)
Rep. Ray Hawk (R)
Rep. Larry Jent (D)
Rep. Holly Raser (D)
Rep. Ron Stoker (R)
Rep. Jonathan Windy Boy (D)
Rep. Tom Facey (D)

Members Excused: Rep. Daniel S. Hurwitz (R)
Rep. Penny Morgan (R)
Rep. Don Roberts (R)

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
CJ Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Time stamp precedes material covered.

Committee Business Summary:

Hearing & Date Posted: HB 279, 1/17/2003
Executive Action: None

HEARING ON HB 279**Sponsor:** REP. ARLENE BECKER, HD 18, BILLINGS**Opening Statement by Sponsor:**

REP. BECKER stated this bill is at the request of the County Commissioners. The purpose is to clarify who is responsible for precommitment costs which includes detention, examination, and treatment of a respondent in a mental health commitment situation. This bill will clarify who will pay the costs. The proposed order is: 1) person with private insurance, 2) person on Medicaid or eligible, and 3) county in which they reside. In the present arrangement, the county is automatically billed first. She referred to the example of how the State handles the same procedure, having the option to go through private insurance or Medicaid before the State pays. She also pointed out that if a person is covered by Medicaid, they will receive a 3:1 cost match, but the county has to cover it all.

Proponents:

Phil Kennedy, Yellowstone County Commissioner, First Vice President of the Montana Association of Counties, and Chairman of the Health and Human Services Committee for the Montana Association of Counties, added his support of **REP. BECKER's** bill. He reiterated that their desire is to have the personal insurance carriers or Medicaid pick up the cost first where available. The county would then be the payer of last resort. He urged a DO PASS on HB 279.

Opponents: None.**Informational Testimony:** None.**Questions from Committee Members and Responses:*****{Tape: 1; Side: A; Approx. Time Counter: 9.6 - 21}***

REP. MARK NOENNIG asked Mr. Kennedy about the prevalence of the situations where the county is billed first. **Mr. Kennedy** answered that it is state-wide and very common. **REP. NOENNIG** then questioned if the respondent should be listed as the payer of first resort instead of personal insurance or Medicaid. **Mr. Kennedy** responded that a lot of people already have personal insurance or are already in the system with a payment plan. This bill is to take care of the actions an institution can take in collecting after that. They are trying to tap into the insurance carriers and/or Medicaid/Medicare first, before billing the

county. He then gave examples of what has happened in Yellowstone County and Judith Basin County regarding this same issue.

{Tape: 1; Side: A; Approx. Time Counter: 21.2 - 22.8}

REP. NOENNIG asked if it was possible to statutorily require an insurance carrier to make a payment. Sometimes the insurance companies only pay for certain types of obligations (must be a primary obligation of the insurance company). He is still trying to make sure the respondent is obligated first to make a payment where possible. **Mr. Kennedy** answered that he agrees.

{Tape: 1; Side: A; Approx. Time Counter: 22.9 - 25.1}

REP. RON STOKER asked if the insurance doesn't pay and they cannot provide payment for themselves, if their financial situation will be checked out in the Medicaid qualification step. **Mr. Kennedy** replied that the institution checks into everything such as personal insurance and Medicaid, before billing the county which is the main purpose.

Closing by Sponsor:

REP. BECKER closed, urging a DO PASS on this bill. She stated the bill is really a fairness issue in terms of who is paying the costs. She said if the person has the funds or capability to pay they should be accountable and not the county and the rest of the taxpayers.

ADJOURNMENT

Adjournment: 3:20 P.M.

REP. BILL THOMAS, Chairman

CJ JOHNSON, Secretary

BT/CJ

EXHIBIT (huh10aad)